IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6049 OF 2005

1. Sanjay Vasant Yadav.
2. Suresh Sukhdeo Khadtare.
3. Arvind Dattatraya Kamlellu.
4. Kishore Prabhakar Pagare. ... Applicants

Versus.

The State of Maharashtra. ... Respondent.

Ms.Pranali Kakade for the Applicants.
Ms.Rajashree Gadhvi, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 13th October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned A.P.P. for the State.

2. The Applicants are apprehending arrest in connection with the offence registered against a builder. The allegation against the builder seems to be that he has sold same flats to more than one purchaser and the loan has been received against the same flat from different banks.

3. In so far as the Applicants Nos.1 and 3 are concerned, at this stage, there is no dispute that there is no material against them. So far as the Applicants Nos.2 and 4 are concerned, the allegation against them appears to be that they have purchased same flat from the builder and they have taken loan from different

banks for purchasing the said flat. Even going by the prosecution case, the Applicants Nos.2 and 4 have purchased the flat under separate registered agreements and on the basis of the said agreements, the Banks have released the loan in favour of the Builder. It is thus obvious that serious allegations are against the builder.

4. In my view the Applicants are entitled to anticipatory bail. Hence the following order is passed:

(i) In the event of the arrest of the Applicants in connection with C.R.No.267 of 2005 registered at Chaturshringi Police Station, the Applicants shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount.

(ii) The bail is granted subject to condition that the Applicants will attend the concerned Police station on every Saturday between 5.00 p.m. and 7.00 p.m. till filing of the charge sheet and cooperate for the investigation.

(iii) The Bail is granted subject to condition

that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The Applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the Applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in above terms.

(vii) The parties to act upon an authenticated copy of this order.

Judge.